

CABINET

26 SEPTEMBER 2023

TEMPLE MARSH OPEN SPACE

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

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Summary

This report requests that the Cabinet agree to the development and subsequent ongoing management of Temple Marsh Open Space, in Strood, which is a former landfill site intended to be the open space provision for the adjacent development of Temple Waterfront. This will ensure that the Council delivers the open space elements of the adjacent Temple Waterfront in line with the original outline planning permission and revisions agreed through reserved matters.

1. Recommendations

- 1.1. The Cabinet is requested to agree to the development of Temple Marsh Open Space, including the Project Start-up and procurement of a Design and Planning Team to begin feasibility and outline design work on Temple Marsh and then deliver the sites improvement works, as detailed in section 5.1 of the report (option 1).
- 1.2. Subject to its agreement of recommendation 1.1, the Cabinet is requested to note that the Chief Operating Officer will make the following additions to the Capital Programme, using authority delegated to him in the Council's Employee Delegation Scheme:
 - £961,102.97 from reserves for Temple Marsh improvements (which was funded from the £1m paid to the Council by Redrow, as detailed in paragraph 4.3 of the report) to undertake the work detailed in recommendation 1.1.
 - £216,097.07 and £55,422.58 from related s106 agreement funding to be used for the sites ongoing improvement and management.
- 1.3. The Cabinet is also requested to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, to agree the final design of the Temple Marsh Open Space, prior to the commencement of its delivery.

2. Suggested reasons for decisions

- 2.1. These decisions will help the Council deliver its obligations to create open space at Temple Marsh to compliment the development in the adjacent Temple Waterfront and provide an enhanced greenspace offer for the wider community.

3. Budget and policy framework

- 3.1. Temple Marsh is an existing open space within Medway that provides poor access and recreation for the new communities living in close proximity. Funding of £1m has been provided to the Council by Redrow to improve access and recreation within Temple Marsh, as part of a land equalization agreement. S106 monies are also available for the site.
- 3.2. Local Plan 2003 - The provision of open space within new residential development should be equitable and effective at keeping pace with development and should apply to all new residential development of one dwelling or more. All residential development (except for some exceptions set out in policy L4) should satisfy their open space needs at a standard of 2.4 hectares per 1000 population.
- 3.3. The Medway Council Plan sets out objectives related to Healthy and Active communities and a Clean and Green Environment, both will be complemented by the creation of Temple Marsh.

4. Background

- 4.1. In 2011, Medway Council granted outline approval to the development in three phases of Temple Waterfront. Phase 1 has now been delivered by Redrow and Phase 2 is under construction.
- 4.2. Linked to that permission was a land equalization agreement between the 3 land owners – Blue Circle, Medway Council and Morgans. This was set up due to the majority of the residential development being secured on Blue Circle and Morgans Land while the Council land (being predominantly land fill) would become the open space.
- 4.3. The agreement required Blue Circle to pay £1m to the Council. The land was subsequently sold to Redrow and they paid £1m to the Council in January 2019, having completed the first phase of building. This money was required by the agreement to be spent on delivering the public open space on Temple Marsh, which at that time also included an element of mixed use development. This has since been discounted as unfeasible and cost prohibitive as it would have required a substantial amount of the landfill material being removed, transported off site and the land stabilized.
- 4.4. The Council has since, through reserved matters, been working with Redrow to ensure that all plans for the open space are considered properly through the planning system. Redrow and their agents have submitted a number of

plans showing revised and up to date proposals and a Deed of Variation has now been agreed with Redrow as of May 2022.

- 4.5. S106 contributions relating to the management of public open space on site, including Temple Marsh, will also be received. These amount to payments of £295,388.82 and £55,774.58. From the £295,388.82, £216,097.07 has been received. From the £55,426.58, the full amount has been received. This leaves a balance of £79, 639.75 to be paid at future trigger points.
- 4.6. A final phase on the Morgan Timber Site has entered pre-application and more s106 may be made available in the future, subject to consent. It is too early in the proceedings to estimate what these amounts will be. This also forms part of the masterplan approach being developed by planning for the area that will include links to Temple Manor to enhance promotion of and access to this important local heritage site.
- 4.7. This work will also allow the Council to help deliver the administrations pledge to provide new greenspace and improve access to greenspace across Medway.

5. Options

- 5.1. Option 1 – Greenspaces to utilise the capital addition sum of £961,102.97 (funded from the £1m paid to the Council by Redrow, as detailed in paragraph 4.3) and s106 monies of £216,097.07 and £55,422.58 for recruitment, site assessment design and planning and other internal fees and delivery of improvements to Temple Marsh Open Space. **This is the recommended option.**
 - 5.1.1. The revised plans allow more flexibility on the design of the improvements. Priority will be given to improved access to the site, a riverside path and informal play elements.
 - 5.1.2. A project officer will be recruited to oversee the development of the site including the procurement of a Design and Planning Team to ensure a high quality approach to the sites development. This will also aid the environmental elements and implications of the Landfill and ensure the sustainable management of the site with respect to management, maintenance and community engagement. It is recommended that authority be delegated to the Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, to agree the final design of the Temple Marsh Open Space, prior to the commencement of its delivery.
 - 5.1.3. Current estimated breakdown of spend:
 - Recruitment and Professional Fees - £200K
 - Capital Works and ongoing management- £1.1m

5.1.4. The following table provides an estimated programme for the work:

Recruitment of the project officer post	Sep 2023
Procure consultancy for site analysis and design work	Oct/Nov 2023
Agree site design	Jan 2024
Procure site works	Feb/Mar 24
Obtain necessary additional consents	Jan to Jun 24
Deliver site works	June to Dec 24.

5.1.5. Following the creation of the site an ongoing programme of community engagement, site management and enhancement of the nature conservation value of the site will be delivered in perpetuity.

5.1.6. The site is already part of the Council's portfolio of greenspaces, albeit managed very informally. These works will enhance the site and its ongoing management will be delivered within the Council's existing revenue budgets.

5.2. Option 2 – Do Nothing

5.2.1. This would mean that the majority of funds provided will remain unspent at a risk of being returned to the developer.

5.2.2. The standard and accessibility of Temple Marsh would remain poor and objectives and standards set within the Local Plan and the Medway Council? Plan would not be met.

5.2.3. The site is being accessed by the local community in an unregulated way and a number of health and safety issues need to be resolved to minimize risk.

5.2.4. The site is an old landfill site and a number of mitigation measures need to be taken to secure its sustainable future.

6. Advice and analysis

6.1. The plans for Temple Marsh have developed over time since the outline planning permission was granted in 2011. Officers have been very careful to align all work within planning guidelines and to seek the best possible outcome with respect to what can be achieved on an old landfill site.

6.2. The release of funds will allow this work to continue to ensure the delivery of a quality open space that will best serve the local community.

7. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Land Fill	Part of the site is capped landfill. Previous surveys have shown the depth of cap is too shallow and any excavation of the site for infrastructure will cause an environmental issue	Avoidance of any design of infrastructure within the landfill site will avoid disturbance of land fill. Advice from KCC will be sought on the current condition and emittance of gasses from the landfill.	BIII
Site of Nature Conservation Interest (SNCI)	Part of the site is designated SNCI for mosaic grassland habitat.	To ensure the continuation of this habitat a management plan will need to be instigated as part of the design and planning work.	BIII
Budget	The current capital budget allocated is not enough to deliver a very large scheme. Recent Inflation will exacerbate this issue. Future trigger points not met and additional s106 not available	Being very clear with the Design Team on what the priorities for the site are and what the budget is from the start will avoid any overspend. Utilising a Quantity Surveyor at different stages of design will also help identify any rising costs early. Adapt future site management should further s106 receipts not be received.	BIII

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

8. Consultation

8.1. No Consultation has been undertaken to-date.

8.2. As part of the Design and Planning Stage, consultation will be undertaken with the local residents from the adjacent Redrow development and immediate area.

8.3. The Council's future management of the site will include establishing a Friends Group and working with other voluntary organisations who will assist with the sites management.

9. Climate change implications

9.1. The creation of Temple Marsh open space and its ongoing management for nature and people's enjoyment of nature will make a significant contribution to the Council's target for Medway to become carbon neutral by 2050.

10. Financial implications

10.1. The Chief Operating Officer has delegated authority, set out within the Employee Delegation Scheme, to: approve in-year additions to the capital programme and revenue budget in consultation with the Finance Portfolio Holder, subject to:

- (i) funding coming from external sources;
- (ii) no financial contribution being required from the Council;
- (iii) funding being ring fenced for specific purposes.

10.2. Therefore, subject to Cabinet approval to progress with the works outlined at Option 1, the Chief Operating Officer will add to the Capital Programme:

- £961,102.97 that has been paid into reserves for Temple Marsh improvements from the £1m receipt from Redrow as detail at paragraph 4.3, which will be used to enable the recruitment of a project officer, internal fees and procuring a Design and Planning Team and the subsequent Capital works that will ensue.
- £216,097.07 and £55,422.58 from s106 contributions that have been received in relation to the management of public open space on site, including Temple Marsh.

10.3. These sums will be used to include the necessary initial ground investigations and surveys required, the development of a management plan, the identification of all the works required and to deliver the open space improvements and the sites ongoing management.

11. Legal implications

11.1. If the improvements to Temple Marsh are not delivered within a set time, the Developer will be able to request the re-payment of this commuted sum and other s106 monies.

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Appendices

Appendix 1 - Temple Marsh outline site plan

Background papers

None